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Julio Martinez and Cesar Esparza

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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 CHRISTIAN STEPHON MILES,
individually,

15 Plaintiff,

16 vs.

17 CLARK COUNTY, ET AL.

18 Defendants.

CASE NO.: 2:21-cv-00290-CDS-BNW

**LVMPD DEFENDANTS' MOTION
FOR EXTENSION OF TIME TO FILE
A RESPONSE TO PLAINTIFF'S
MOTION [ECF No. 27]**

(First Request)

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21 Defendants Las Vegas Metropolitan Police Department, Sheriff Joseph Lombardo, David
22 Poupard, Angel Valladares, Kenji Okada, Maribel Suey, Daniel Varner, Daven Lorenzo-Ragasa,
23 Larry Taylor, Julio Martinez, and Cesar Esparza (collectively "LVMPD Defendants"), through
24 their counsel, Kaempfer Crowell, move for a two-week extension of time to file a Response to

1 Plaintiff Christian Miles's Motion for Leave to File a Second Amended Complaint, (ECF No.
 2 27). The current deadline for LVMPD Defendants to file a Response is Friday, September 23,
 3 2022. The new proposed deadline is October 7, 2022. This is LVMPD Defendants' first request
 4 for an extension of time to file the Response.

5 DATED this 22nd day of September, 2022.

6 KAEMPFER CROWELL

7
 8 By: /s/ Lyssa Anderson

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Julio Martinez and Cesar Esparza

15 MEMORANDUM OF POINTS AND AUTHORITIES

16 **I. ARGUMENT**

17 LVMPD Defendants request a two-week extension of time to file a Response to Plaintiff
 18 Christian Miles's Motion for Leave to File a Second Amended Complaint, (ECF No. 27). Local
 19 Rule IA 6-1 governs this request for an extension of time. Because this request arises before the
 20 current deadline of September 23, 2022, a "good cause" standard applies. D. Nev. Local Rule IA
 21 6-1; *Johnson v. Whirlpool Corp.*, No. 2:15-cv-02425-JCM-CWH, 2017 WL 4707451, at *1 (D.
 22 Nev. Oct. 19, 2017). Good cause is a "non-rigorous standard," and extensions of time are
 23 generally warranted when doing so would promote the resolution of issues on their merits.
 24 *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010).

1 Here, good cause supports a two-week extension of time for LVMPD Defendants to file a
2 Response to Plaintiff's Motion for Leave to File a Second Amended Complaint. LVMPD
3 Defendants have been diligent in reviewing Plaintiff's Motion from its filing date, but the sheer
4 length of this filing—133 pages in total—has taken an unexpectedly long time to review.
5 Moreover, Plaintiff's Motion essentially seeks to resuscitate many claims that the Court
6 dismissed without prejudice in its Screening Order, (ECF No. 11). This request involves
7 nuanced issues of plausibility of claims in accord with Federal Rule of Civil Procedure 12(b)(6),
8 statutory limitations periods, and timely notice of state-law claims to the Las Vegas Metropolitan
9 Police Department's governing body (among other defenses). Adequate briefing of all issues by
10 the current deadline to file a Response has not been possible because of LVMPD Defendants'
11 counsel's demanding schedule in the past two weeks, including: drafting and filing an Answering
12 Brief with the United States Court of Appeals for the District of Columbia due September 23,
13 2022; attending a half-day long deposition on September 21, 2022; drafting and filing a Reply
14 brief due on September 21, 2022, in support of a Motion to Dismiss for another lawsuit; drafting
15 and filing a Reply brief in support of summary judgment due September 19, 2022, for another
16 lawsuit; attending two hearings in this District on September 14, 2022, for Motions to Dismiss
17 regarding other lawsuits; and drafting a brief for filing under seal in a criminal lawsuit in this
18 District addressing privileged information to assist the United States Attorney's Office in a
19 criminal prosecution.

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The minimal extension of time requested here will assist LVMPD Defendants in thoroughly addressing the merits of Plaintiff's Motion. Adequate briefing is crucial, because the outcome of this Motion will have a lasting impact on how this case proceeds through discovery, summary judgment, and, if needed, trial.

II. CONCLUSION

LVMPD Defendants request a two-week extension of time to file a Response to Plaintiff Christian Miles's Motion for Leave to File a Second Amended Complaint, (ECF No. 27), which will create a new filing deadline of October 7, 2022. This is LVMPD Defendants' first request for an extension of time to file a Response, and an extension will assist in resolving the merits of Plaintiff's Motion.

DATED this 22nd day of September, 2022.

KAEMPFER CROWELL

By: /s/ Lyssa Anderson

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Daniel Varner, Daven Lorenzo-Ragasa, Larry Taylor,
Julio Martinez and Cesar Esparza

ORDER

IT IS SO ORDERED

DATED: 10:49 am, September 26, 2022

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of KAEMPFER CROWELL, and that on the date below, I caused the foregoing **LVMPD DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S MOTION [ECF No. 27] (First Request)** to be served via CM/ECF and/or First Class Mail (where indicated) addressed to the following:

Christian S. Miles, #2888634
Clark County Detention Center
330 S. Casino Center Blvd.
Las Vegas, NV 89101

Pro Se Plaintiff

(Via U.S., First Class Mail)

DATED this 22nd day of September, 2022.

/s/ Wendy Applegate
an employee of Kaempfer Crowell